

A
VINDICATION
Of Those who have taken the
New Oath of Allegiance
TO
King *William* and Queen *Mary* ;
UPON
P R I N C I P L E S
Agreeable to the
DOCTRINES
OF THE
Church of *ENGLAND*.

In a Letter to a Noble Lord.

Licensed, Nov. 6. 1689.

L O N D O N,

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INDICATION

OF THE

REMARKS

TO

King William

INDICATION

OF THE

DOCTRINES

OF THE

CONSTITUTION

AND

OF THE

OF THE

A
L E T T E R
T O A
Noble L O R D, &c.

My Lord,

IT is not for your Lordships satisfaction that I write these Papers; the Subject being a matter which very nearly touches the Conscience, it is not to be doubted but You thoroughly considered it before You consented to that, which, if unlawful, must have rendred your Lordship not only an Instrument of violating your own Conscience, but moreover a sharer in the guilt of invading the Consciences of all Men in the Kingdom. It is but reasonable to think that amidst the Cares of the Two Houses for the safety of the Nation, they could not lose all tenderness for their own Souls, in preparing the *New Oath of Allegiance*, about which we are so unfortunately divided: and well it were if both they who do not take it, as well as those that have, would shew such Temper and Discretion, as to be favourable in their Censures of one another, and not inadvertently Minister occasion to some, who seek occasion of Clamour against us all. I verily believe that on both sides we act upon Conscience. Our unanimous opposition against the errors of Popery, which are so manifest, shews that the reason why we are not so unanimous now, is, because the Light that guides us is not so clear

to every man in this Case, as it was in that. I suppose it is not for want of Candor or Charity, that such as have taken the Oath are hardly thought of by others, but through their Ignorance of those Reasons which, in my judgment, the Sons of the Church of *England* may safely go upon. I hope therefore it will be excusable at least, if I freely declare the most substantial Reasons on our side; that at once I may both clear our own Innocence, and remove that which they may look upon as a Scandal.

My design then is a Vindication of our selves as to this matter: and that I may proceed with all possible plainness, I beg leave to premise these two things.

1. That we are not bound by any Law of God to enquire curiously into the nature of Princes Titles, whether they be Right or Wrong, as if we were concern'd in Conscience to be satisfied in this Point, in order to our subjection. Among the *Jews* several persons gat into the Throne, who had no Legal Title to it; and the People obeyed them without being blamed for doing so. The Instances are notorious; but I forbear particulars, because they have been already produced by others, who have wrote upon this Subject. Our Saviour's Command, of rendring to *Cesar* the things which are *Cesars*, was naked and general: and if any thing may be argued from it, in reference to the matter now in hand, it is this, that we are to submit to Princes who are in Possession, whatever their Titles may be. For the Emperor then in being had no Title by the *Roman* Laws; and as the learned *Grotius* upon the place observes, it might have been objected, that neither had the *Romans* any rightful power over the *Jews*, nor *Cesar* himself over the *Romans*, whatever they had in Fact. But this our Saviour took no notice of, because it was a State-point, quite foreign to the Nature and Scope of Religion. Nor did the Apostles, or other Primitive Christians, think themselves bound to interests themselves in Disputes of this Nature, but submitted to the Civil Government as they found it, though divers of the Emperors were no other than Usurpers. So that it cannot be matter of Conscience to us now, as we are *Christians*, and under that notion, to meddle with Princes Titles, being
not

not obliged thereunto by any ties of Religion, in a general consideration of it.

2. The second thing is, That the only obligation which lies upon us in this Point, lies upon us as we are *English Subjects*. For it comes upon us *ab extra* and accidentally, and binds us by the particular Religion of an Oath, which for reasons of State was imposed in the days of King *James* the First; whereby we do not only Recognize the Hereditary Successor our Rightful and Lawful King; but moreover promise Allegiance to Him, and to his Heirs and Lawful Successors. By virtue of this Oath, we of this Country are necessitated to bear Faith and true Allegiance to the King himself, and to those that Lineally descend from Him, according to our Law; and by this accidental Obligation we are bound to defend the Succession it self, and the lawful Successor's Title.

These things premised, I shall now fairly state the present Case. King *James* the Second was a Rightful and Lawful Successor, to Him we had sworn Allegiance: He is now driven from us, his Son-in law and eldest Daughter are in Possession of his Throne, and we being thereunto required, have sworn Allegiance to Them also. The Case being thus, two great Questions do now arise.

1. How we could take this *New Oath* with good Conscience towards King *James*?

2. How we could pass our Allegiance to King *William* and Queen *Mary*, with good Conscience towards the Succession?

I intend to manage this matter with all possible Uprightness; thinking my self equally obliged to be sincere in giving our Reasons, as I was in taking the Oath. Your Lordship knows Conscience is a nice thing, which will not be forced, but ought to be convinced, and that with the fairest and most satisfactory Arguments that may be. Some Arguments do not appear satisfactory to me, because the diversity of Mens Opinions about them, and the nature of the Principles on which they are grounded, plainly shews them to be uncertain at the best: by which means they may serve to raise many Scruples in the mind, but cannot sufficiently

ciently solve them. The true solution of the two Questions propos'd, depends upon Arguments which are strong, and holding, and capable of being justified by the most learned and indifferent Casuists. And such, I hope, are those which I shall offer: the only things perhaps that can satisfy Us of the Church of *England*; which yet I speak with a charitable Opinion of those who think other Reasons satisfactory enough to them. If their own Consciences do not condemn them, God forbid I should.

1. To the first Question then: How could we take the *New Oath* with good Conscience towards *King James*, that Unfortunate Prince not consenting to it? To this I say, that if the taking of this Oath be no Violation or Breach of the former, then no man has hurt his Conscience towards *King James* by taking it. For upon this Supposition, no injury is done to that King by this act of Ours; and as long as we sin not against Him by it, there was no need of his Consent to our Compliance. This in general, I suppose, will be granted by all men of Sense.

Now to prove this particularly, two things are to be inquir'd into.

1. Whether the New Oath imports any thing which is repugnant or contrary to the other; for if the Matter of both be consistent, no injury can be done to *King James* by this, supposing the Obligation of the Oath made to Him to be still in force.

2. If a Repugnancy be supposed to be between both the Oaths, our next Enquiry will be whether the First did really oblige us when the Second was order'd to be taken; for if it did not bind us at that time, it cannot be thought how we could break it by this act of Ours; because the Violation of an Oath does presuppose the Obligation of it at the very moment of its Violation.

1. For the clearing of the first Enquiry, the two Oaths must be compared. The words of the Former (as far as they relate to this matter) are these: *I A. B. do truly and sincerely acknowledge, profess, testify and declare in my Conscience before God and the World, that our Sovereign Lord King James is Lawful and Rightful King of this Realm—* Also *I do swear in my Heart that notwithstanding any Declaration, or Sentence of Excommunication, or Depri-*
vation,

bation, made or granted, or to be made or granted by the Pope or his Successors — I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and Him and Them will defend to the uttermost of my Power against all Conspiracies and Attempts whatsoever, &c. The Latter runs thus ; I A. B do sincerely Promise and Swear, that I will be Faithful and bear true Allegiance to their Majesties King William and Queen Mary.

Here is a manifest difference indeed between these Oaths ; for in the One there is both a Recognition of the Title of the King *de Jure*, that He is our rightful King according to our Laws, and also a Promise of Allegiance to Him and his Heirs and Successors : whereas in the Other there is a Promise only of Allegiance to the King and Queen *in Possession*, without such a Recognition, and without any notice taken of the Succession. But this difference is no other than what is between a thing that is More, and a thing that is Less, which often happens even where the things are consistent. If any Contrariety be supposed to be in the Oaths, it must lie in the word *Allegiance* : and as to that we say these Four things.

1. First, that the word *Allegiance* bears a very large Signification. That great Man, Mr. Hooker, who was so exact both for Sense and Expression, relating the Story of Calvin's returning to Geneva, from whence he had been banish'd, tells us, *That of the Ministers themselves which had staid behind in the City when Calvin was gone, some upon knowledge of the Peoples earnest intent to recall him to his Place again, had beforehand written their Letters of Submission, and assur'd him of their Allegiance for ever after.* Here it signifies no more but *Charitable and Peaceable Compliance*. In our Laws the meaning of the word is various ; in the highest and strictest Sense it signifies the defending of the King's Person, Crown, and Dignity (as He is our Lawful and Natural Prince.) In a larger Sense it signifies Service to our Sovereign Lord for the time being, in his Wars, for the defence of Him and the Land against every Rebellion, Power and Might reared against Him ;

Preface to
Ecol. Polit.

3 Jacobi. c. 4 11.
Hen. 7. cap. 1.

Him; which is therefore called *Service of Allegiance*. In a larger Sense yet it signifies Subjection and Obedience to the King according to the Law: for which Reason the Oath of Allegiance is sometimes called the *Oath of Obedience*. In the largest sense of all it signifies, that Duty which every Customary Tenant owes the Lord of the Manor; nay, which every menial Servant owes his Master; the Violation whereof, especially if it goes as far as Bloodshed, is in the Construction of our Laws a breach of Faith and true Allegiance; and in that Stile the Indictments of such Tenants and Servants have been wont to run.

2. The Word bearing so great a Latitude of Construction, we say secondly, it is reasonable to believe, that in the *New Oath* it signifies *such Subjection and Obedience as is agreeable to the Laws*. The Statute made in the eleventh year of *Henry VII.* plainly shews, that the Law is still on the King's side who is King in Possession, and for the time being. And besides this, considering that the Reason of all Law is the Public Good, we conceive an Obligation lies upon us not only to live peaceably and inoffensively under the King and Queen, but moreover to serve them faithfully (as our King and Queen for the time being) in those things which are absolutely necessary for the common Interest of their Majesties and the Nation; to assist them against such Foreigners as shall at any time unjustly invade or annoy the Kingdom, to maintain Trade and Commerce, to uphold and preserve the Execution of Justice, and to perform their Commands in all things which are lawful and honest, especially considering that they protect us in that Religion which is establish'd by Law, and in the Liberties and Rights which we hold by Law. This is very fitly called *Legal Obedience*, because it is according to the Letter and the Reason of the Laws. Now this sort of Allegiance is not contrary unto, or inconsistent with that which was sworn to *King James*; for even that Oath does imply the same thing, viz. *Legal Obedience*; to be sure, it cannot be supposed to destroy it: nor did it ever bind to more than what was agreeable to the Laws; so that the swearing to this effect is but the swearing to that which we

we swore to before, and then what Injustice (properly and truly speaking) is hereby done to that Unfortunate King? Or what Wrong or Violence to our own Consciences? For it is not the taking of Oaths to Two Parties that violates the Conscience, unless it appears that One Oath destroys and overthrows the Other.

The only Question made as to this is, whether this be the Sense of the *New Oath*; for were this but as clear to some as it is to others, I believe very few, if any one in the Kingdom would refuse the taking it. Here, my Lord, I crave leave to express my hearty Wishes that your Lordships and the Honourable House of Commons had made after a Judicial manner such an Explanation of the word *Allegiance* as I now speak of, and as I am apt to think, the Two Houses would have consented to in tender respect to the Common Good, had there been at that time when the Oath was framing, a happy Concurrence of some Circumstances. I need not tell your Lordship what a strengthening it would have been to the Protestant Cause, or that it might have prevented that grievous and much lamented Breach among us, at which many have unfortunately (I do not say justly) taken offence; nor what a Satisfaction and Security it would have proved to divers worthy and truly Conscientious Persons, who have deserved so well of the Christian World, some by their Conduct, some by their Learning, all of them by their unwearied Industry and Zeal for the Protestant Religion and our establish'd Laws. But perhaps those Scruples under which the minds of some do labour now, were not then fear'd or foreseen, when this Construction seem'd to have been taken for granted; and the Members of the Convention did in all probability think themselves unanimously agreed about it, tho they did not enter into their Journals an open, judicial and conclusive Declaration of their Sense. That thus it was, there are fair Arguments to make us satisfied. For, first, as we have been certainly informed by divers of your Honourable House, the Question being started what was meant by *Allegiance*? that truly Noble Lord the *Earl of Nottingham* did plainly interpret it by *Legal Obedience*, or to that effect; which being not contradicted by any of your Lordships, as far as we

have yet heard, 'tis reasonable to conclude the Interpretation that Honourable Lord made, was the Sense of the rest. Besides, as any happy Opportunities have afforded us the Honor to discourse privately with the Members as well of the Lower as the Upper House of Parliament, the agreeable account they have given us of their notion of Allegiance hath still confirm'd us in the persuasion, that they understand it in a larger Sense, for Obedience according to Law. Nor, Thirdly, do I see any reason to dispute this Point, considering what great deliberations there were about the New Oath, and how many Persons of Eminence and known Worth were concern'd in framing it, and that with full purpose and resolution to take it themselves: Persons of true Honor, of sound Principles, of unshaken Fidelity to the Crown; nay, some that had been in great Employments under the King, nor were ever known to decline any of his Commands, which were consistent with their Honor and Consciences; but in all instances approved themselves as Loyal and Conscientious Subjects as ever any Prince had. After all this, 'twould be too great hardship upon us to make us think (contrary to the Rules of Charity, Justice and common good Manners) that so many Persons of Quality and Integrity would contrive or consent unto an Oath in such a Sense as would necessarily have rendered themselves Perjur'd men, had they believ'd it to contain things utterly repugnant and contradictory to the manifest Obligations of the great Casuist, *Bishop Sanderfon*, in the like Case, tho, God be thanked, not under the like Government. *That it is a receiv'd Maxim of Political Prudence for all New Governors (especially those that*

Case of the
Engagement.

either introduce a new Form of Government, or come in upon a questionable Title,) to abstain from all harsh proceedings, even against Those whom they know to be evil affected to their Power, and not so much as to exasperate them, (tho it be in the power of their hands to destroy them) especially in the beginning of their Government, but rather to sweeten them into a better opinion of their Persons, and to win upon them by Acts of Grace and Oblivion: so as they may have but any tolerable kind of assurance from them in the mean time, of living peaceably and quietly under them.

If this was his charitable Opinion of those Imposers of the Engage-
ment,

ment, who wickedly brake through all ties of Allegiance, and designed (as the Event shews) to force others by degrees to follow their Example ; how can we think less charitable of so many Honourable Persons, whose just resentments of the Arbitrary Proceedings, and of such monstrous Ingratitude and Perfidiousness in the late Times, could not carry or move them farther, than only to pity the Misfortunes, and to endeavour what in them lay, to open the Eyes of a poor King, that was misguided and abused by the greatest Villains in the World ?

If these Arguments (which we think are sufficient to satisfy us, that the Oath now taken to *King William* and *Queen Mary* does not contain, nor was by our Legislators intended or thought to contain any thing repugnant and contrary to the Oath taken to *King James* ; if, I say, they) be not strong and convincing enough to remove all manner of Scruples from every timorous Mind, yet I hope they will be able to produce such a good effect, as to create a kind and favourable Opinion of those, who upon an impartial Consideration of this matter, do reasonably believe that they afford ground enough for their Consciences to rest on. For as on the one hand we do not in the least pretend to over-rule or undervalue the Judgments of those Conscientious and Good Men, whose Apprehensions differ from Ours in this Case, and we hope, in this Case only ; so on the other hand we think it no breach of Modesty, if we own our selves bound to follow our own Judgments, especially when we go by the best light the nature of the thing doth afford to direct us.

3. Since then it is so manifest, that in the word *Allegiance*, there is a Latitude of Sense, which is not contrary to the former Oath ; and since it is so highly credible, that the Imposers of the present Oath of Allegiance took it themselves in a lower Construction, and intended the same for others, that all might take it with the greater ease ; we say, Thirdly, that we cannot with Charity or Reason be thought to have violated a good Conscience by our Compliance in this particular. For it is not only a certain Rule, that an Oath must be taken according to the Mind and Intention of the Imposer, as far as it can be reasonably discover'd ;

but common Reason also tells us, that when the Imposer gives us (and especially if he designedly gives us) an Advantage by the Ambiguity of an Expression, it is no harm if we take the Advantage: for as long as we are left to our own Liberty, how do we offend by making use of the Liberty so allowed? For this matter we appeal to the great Judgment of Bishop Sanderson in his resolution of the Case concerning the Engagement. *What (says he) if the Intention of the Imposer be not so fully declared by the words, and the nature of the business, but that the same words may in a fair Construction be still capable of a double meaning, so as taken in one Sense they shall bind to More, and in another to Less? I conceive in such a Case it is not necessary, nor always expedient (but rather for the most part otherwise) for the Promiser before he give Faith, to demand of the Imposer, whether of the Two is his meaning. But he may by the Rule of Prudence, and that (for ought I see) without the Violation of any Law of Conscience, make his just advantage of that Ambiguity, and take it in the same Sense which shall bind to the Less.* And the Reason is this; *because Faith to be given is intended to the behoof and for the Interest of him that requires it. Upon which account it concerns him to take care that his meaning be expressed in such words as may sufficiently manifest the same to the Understanding of a Reasonable Man: which if he neglect to do, no Law of Equity or Prudence binds the Promiser by any over-scrupulous Diligence to make it out, whereby to lay a greater Obligation upon himself than he need to do.*

4. The Learned and Judicious Bishop goes on to put the very worst of the Case. And though, I trust in God, the Sincerity and Charity of our Governors is such, that there is not the least reason to put the Case now; yet because it serveth more and more still to vindicate our Innocence, and to satisfy the Consciences of other Men, your Lordship will pardon me, if I take the freedom in the fourth and last place, to set down the State and Resolution of the Case at length, in Bishop Sanderson's own words. *If (says he) it shall happen that he that requires the Faith to be given, do of purpose so contrive the words, that there may be left an Ambiguity and Latitude of Sense therein: yea, and that*

that it be very probable, and in a manner apparent (upon the consideration of the point of Interest, or other strong Presumptions arising from Circumstances or otherwise) even to the apprehension of the Promiser himself, that he hath some further reach in requiring that Promise from him, some more remote and secret Intention than he is willing to discover: in that Case what is to be done? I answer that the Promiser in such a Case is no ways obliged in giving his Faith, to take notice of any secret Intention, but is at liberty to make use of that Latitude of Sense, which the other did rather chuse to leave undetermined than to restrain, and so turn the other's cunning dealing to his own best advantage, by taking it in the more favourable construction, in that which binds to Less. For it is the declared intention only (viz. that which the words, according to the common use of Speech, do in relation to the nature of the Subject, most naturally and properly represent to the Understanding of reasonable Men when they hear them) and not the Remote, Secret, and Reserved intent which the Promiser is obliged unto. The Reason whereof is manifest, because he that requires Faith to be given from another, by Words of his own contriving, is ever presumed so to have determined the Sense thereof in the contrivance of the Words, as may sufficiently declare what he intends the Promiser should assure him to perform. If therefore he have not so determined the Words, as to signifie the More, it is in all reason to be presumed that he intended to oblige him but to the Less. For being at liberty to make his own choice of Words whereby to express his own meaning, who can think otherwise but that he would make the choice with respect to his own Interest? And therefore though he might have a secret desire, that the Promiser should be bound to the More, and would be marvellously well pleased that he should so understand the Words, as if he intended to bind him to the More; yet since it had been so easie a matter for him, by adding or altering a few words, to have declared that intent, if he had thought it conducive to his own ends; it will be presumed also, that it was out of respect to Self-interest that he forbore so to do, and chose rather to leave his meaning in such general words as will not exclude the Sense which binds to the Less; and consequently that his declared intent obliges to no more, but to the Less only.

My,

My Lord, I have been the more copious upon this Subject, because abundance of very honest Men boggle at the word *Allegiance*; not knowing what Sense it bears, or is intended to bear in the *New Oath*; and consequently not knowing how to promise it. This Scruple, I am persuaded, would altogether, or at least in a very considerable measure be removed, if what has been said of this matter in our own necessary Vindication, were but thoroughly and impartially considered. The sum in short is this: that the promise of Allegiance, as it is understood in this Case, in a lower Construction (for that Obedience and Service which the Law of the Land, as well as the great Law of Necessity obligeth us to pay to the King and Queen for the time being, for the common Interest and Safety of the whole Kingdom, and without any Recognition or Acknowledgment required to be made of the strict Legality of any Title) does not seem to carry along with it any Repugnancy or Contradiction to the former Oath. For which Lower construction we depend, not upon our own private Sense (being sufficiently convinced that no Man ought to take an Oath in a Sense of his own, which is plainly different from the meaning of the Imposers) but upon Reasons drawn not only from the Nature of the thing, but also from the Intent of our Governors, which we conceive has been made known and declared in such a measure as is sufficient to give us a Moral assurance thereof. However, though this Declaration be not so full, open and Judicial, as many understanding and worthy Men, nay as We our selves do wish it had been; yet the Word itself being allowed to pass in a doubtful Sense, it is consistent with a good Conscience to make our Advantage of that Ambiguity so as to take the Oath in a lower and more favourable Construction, whatever the secret Intent of some particular Persons may be presumed to have been.

2. All this while, my Lord, I have supposed that the Oath made to King *James* did bind the Conscience at that time when the Oath to King *William* and Queen *Mary* was taken. I have, I say, supposed this for Argument sake, and for the better clearing up of this matter to those who are so persuaded; as I know
divers

divers very worthy Persons are. I have often heard it said, *before I take the New Oath, pray shew me how I may be rid of the Old One.* In reference to such men it was Necessary for me to shew in our Vindication, that there is no inconsistency between the Oaths, though we should suppose the First to oblige the Conscience still. But now, what if the Promise of Faith and Allegiance made to King *James*, (as far as it did concern Himself) was actually Void and Null before the taking of this other Oath? If it should prove thus, it will unavoidably follow, that though a Repugnancy between the Two Oaths be supposed, yet we cannot be said to have violated the One by our taking the Other; because the Violation of an Oath, does imply the Obligation of it at the very moment of its Violation.

I am very sensible that this is an invidious Theme, because Opposite to the strong Pre-conceptions of many who may not have searched narrowly into the bottom of this matter. This I now resolve to do, and that with all manner of sincerity; humbly beseeching such as may be startled at This, as at a New and strange Notion, to consider what I have to say, without Uncharitableness, and if it be possible, without any Prejudice.

In order to a more methodical and plain proceeding, I think it necessary to premise two things, wherein all Learned Casuists, I know of, do unanimously agree.

1. That the Obligation of a Promissory Oath, though a Man takes it in the Integrity of his heart, and with full purpose and resolution to make it good, may in process of time become Null and Void. I do not now speak of a Man's Dispensing with an Oath, notwithstanding its antecedent Obligation: for this no Man on Earth has power to do, God himself being concerned in every Oath; but my meaning is, that whereas a Promissory Oath refers to something which is future, and which is to be done afterwards, human Affairs being Contingent, and future Events being Uncertain, it may so happen and fall out, by reason of some unexpected Accident, that the Obligation of an Oath quite ceaseth, so that the Party Sworn, is no longer bound to perform what he promised, though he promised sincerely, and fully, intended it.

2. That

2. That the Obligation of an Oath ceaseth when there is a cessation of the Matter, Reason, or Cause of it. *The State and*

Tunc cessasse materiam (juramenti) censendum est, cum rerum status inter tempus jurandi & tempus adimplendi ita immutatus est, ut si quo tempore jurabatur, prævideri potuisset is qui postea insecutus est rerum status, non omnino juratum fuisset. Sanderf. de juram. oblig. Prælect. 7. Sect. 7.

Condition of things may be so changed between the time of Taking an Oath, and the time of Performing it, that if it had been possible to have foreseen the State of Affairs as it was altered in the Event, the Oath would not have been taken at first. Now when

such a notable Change happens as to that, which was either a principal Cause of the Oath, or which was supposed and taken for Granted at the time of Swearing, then there is a cessation of the Matter and Reason, and consequently of the Obligation of that Oath. Casuists are wont to illustrate this several ways: as, *Titius* is the General of an Army, and *Caius* swears obedience to his Commands; the Obligation of which Oath ceases, if afterwards *Titius's* Commission be thrown up by his own act, or be taken from him by the act of his Prince: for in that Case there is a failure of that which was the Cause and Reason of the Oath: viz. *Titius's* Authority. Again, *Titius* swears he will marry *Caius's* Daughter: but if she proves with Child by another Man before Marriage, the Obligation of the Oath ceaseth, because when the Oath was taken, her Chastity and Fidelity to him was taken for granted. Again, *Titius* swears he will make *Caius* the Sole Heir to his Estate; but if afterwards *Caius* shall endeavour to Poyson him, *Titius's* Oath binds him not any longer, because it might reasonably be supposed that *Caius* would not have been guilty of such Ingratitude and Wickedness. Lastly, we swear to observe such and such Laws of the Realm; but if afterwards those Laws be abrogated and repealed by due Authority, the Obligation of our Oath does naturally and of course Cease, because at the time of taking that Oath those Laws were in force, and 'twas supposed they would continue so. Hence is that Rule among Casuists, *that an Oath follows the nature and condition of the Matter which is the ground of it; so that if this fails, that must fail also.* And though an Oath be exprest

expressed and taken in absolute terms, yet all Learned Men know that general Suppositions and Conditions are understood to accompany the most Absolute promissory Oath, as, *if God permit, if I can do it; if I can do it lawfully*: and so, *rebus sic stantibus*; & *si res non fuerint notabiliter mutata*; things continuing in the same posture, and unless there shall prove a notable alteration of Affairs that is not foreseen. And accordingly all promissory Oaths whatever are to be interpreted; because the Party that Swears, does ever Swear according to the nature of the Promise, and after the same manner as the Promise runs, and upon the same general Proviso's and Suppositions, which continually attend all Promises. The Oath does still favor of the Nature and Condition of the Act to which it belongs; nor is any promissory Oath to be interpreted so strictly as to make it go beyond the general Suppositions, that are always implied. And for all this I leave my self to the Determination and Judgment of any Learned Casuist.

To apply now these known Truths to the present Case. Suppose I took an Oath of Faith and true Allegiance to *King James*, and that this Oath was administered to me, and taken by me in absolute terms: if since that time the matter of the Oath, and the Promise of Allegiance has through some unforeseen and unexpected Accident failed and ceased, and that not by any act of mine, but by the act of a Foreign Prince who is presum'd to have had a just Quarrel with him; whereupon things are fallen out quite contrary to those general Conditions and Suppositions, which were understood to attend that Oath; nay, quite contrary to my own sincere Intentions, when I took it; in this Case common Reason and the joint Resolution of Casuists, give me warrant to believe, that upon this notable Change, the Obligation of that Oath ceased naturally and of course, by a cessation of the matter, and by a failure of the original Cause and Reason of it.

I believe no body will deny, but the Cause and original Reason whereon the giving and taking of that Oath was founded, was the undoubted Right which *K. James* had to our Allegiance: for this Right was supposed by all that swore to Him, and it was by virtue of this Right, and on the account of this Right that the Oath

was imposed, the better to secure to him that Allegiance which was his due. If then it be made appear, that his Right to our Allegiance hath been actually lost, I cannot possibly strain my Intellectuals so as to understand but that all Obligations of Allegiance to him must have ceased with that Loss, and by necessary Consequence, that we did not violate our Duty to *King James* by taking the New Oath, tho it be supposed to imply a Repugnancy to the other, the Bond of the other Oath having been actually dissolved before the taking of this. Here then, my Lord, the main Point is to be proved, *viz.* that as things stand, *King James* hath actually lost all his Right to our Allegiance; for upon proof of this, it must inevitably follow, that we have power to pass our Allegiance to another.

For the clearing therefore of this main Point, these two things are to be consider'd. 1. On what ground that his Right was founded. 2. That the very Foundation of his Right is now wholly destroy'd and taken away. These things being shewn will easily lead on the rest.

I must confess these things may sound very harsh to Us, who have been all along accustomed to an Hereditary Succession, and till now never saw, nay, never heard of a Conquest in this Kingdom for many Ages. Therefore I humbly beg your Lordship's Patience whilst the matter is considered: because the bare Novelty of a Case is apt to startle Men, tho they find little reason for it afterwards, when the Case comes to be look'd into.

1. A King's Right to our Allegiance is founded, first, Upon his Relation to us as he is *Our King*, possessed of the *English* Throne: for how else comes it to pass that we owe no Allegiance to the *French King*, or to the *German Emperor*, but for this reason, because neither of them has Relation to us as *Our Prince*, nor any Right to our Throne, and consequently cannot claim any Obedience or Fealty from us? 2. Upon the Right our King has to Protect us. For Protection being the great end of Government (according to that of *St. Paul*, *He is the Minister of God, unto thee for good*) an Obligation of Obedience and Fidelity must necessarily lie upon the Conscience of every Member of the Community over which

which the King presides ; because it is impossible for him without this to answer the great end of his Office. These things carry their own Light with them.

Now if such a notable Change comes, as to these two things which are the principal causes of Allegiance ; as that the King really loseth his Right to the Throne, and so his Right of Protecting the People any longer, how is it possible that the Oath of Allegiance can bind in that Case, there being an utter defect of the Reasons and Grounds of Allegiance, and of those tacit Suppositions, which constantly attend the Oath, and consequently a Cessation of the matter ?

If then first a King does actually lose his Right to the Throne, the band of Allegiance is loosen'd naturally and of course, because the original Reason of it is gone, the Union and Relation between King and People being actually dissolved. I make here a necessary Distinction (which some men do not observe, through their want of Skill in things of this nature ; a Distinction, I say) between a Kings Right to the Throne, and his Sacred Character and Function when he is seated in it. This I conceive he cannot lose, because it is immediately and solely from God, according to the known Principles of the Church of *England*, and the constant Doctrine of Cristianity from the Apostles days. But his Right to the Throne is a *Civil* Right, a Human thing ; and however it ariseth, whether by Succession, or Election, or otherwise, still it depends upon human Institution, upon human Consent, and upon human Laws ; and therefore this Right varies in the World, as the Laws of Countries vary. Upon which account this Civil Right is forfeitable, if not to the Nation and the Laws, yet undoubtedly to a Foreign Prince, who proves a Conqueror over the other, especially if his Cause be Just. In this Case the Right to the Throne devolveth, and by consequence the Reason and Obligation of Allegiance passeth from one to the other. For, Secondly, by losing his Right to his Throne, he loseth also his Right of Protecting the Nation any longer, and so necessarily drops his Right to their Allegiance. I do not mean that Protection and Allegiance are always such Relatives, that where Protection cannot be had,

there Allegiance is not to be paid. This is too loose a Principle; because want of Protection may proceed, not from any want of Good Will on the Prince's side, but merely from an unfortunate want of Power and Ability in him, whereby he is against his own Will for a time rendred incapable of protecting his Subjects. This was the sad Case of *King Charles the First*, and *King Charles the Second*, who for a space were disabled by some Rebellious Subjects from protecting the Kingdom, and yet had a Right to our Allegiance at that time. And were this purely the Case of *King James the Second*, I do not see how Allegiance could be lawfully denied him. But if his Case be far different, so that he has really lost not only the Power and Capacity of protecting us for the present, but moreover that very Right which he formerly had by Law (to defend the Kingdom, to administer Justice, and to take care of Commerce, which are the several Branches of Protection,) it must needs be, that the Foundation of Allegiance failing, Allegiance it self must fail too; because it is certain that the Right and Title the King had to our Allegiance was derived from that Right and Title we had to his Protection.

2. To proceed then to the next Consideration, that He hath *de facto* lost his very Original Right as well as Power and Ability. I think no reasonable man can deny, but he was a Conquer'd Prince. Those parts of the Story which did so intimately affect the Bowels of tender and compassionate People did plainly demonstrate this. And they who have thought it for the King's advantage to plead, that he withdrew out of the Kingdom involuntarily and upon force, unadvisedly urge, that in his defence, which was nothing but his last Refuge, and a plain Indication of his lost Fortunes: for what else could have been expected from a vanquish'd Prince, that had only leave to be gone? Some Victories indeed do cost Kingdoms as well as Princes very dear: yet no man will say that it was no Victory (over the King, I mean) because it was cheaper than some which have been purchased at the expence of a great deal of Blood. 'Twas God's Providence, that no Blood was shed, especially that no Royal Blood was shed in this Conquest over him: (too much of that had been spilt before,

I pray

I pray God stifle the Cry of it.) Princes know how to set a higher rate upon one another's Blood than Rebels can; nor ought it to be thought the more unfair Victory, because *William the Third* gained it without such a fatal Blow as *William the First* gave King *Harold*. The putting to flight is the better kind of Conquest; but to let a vanquish'd Prince slip privately away, is on the Conqueror's side the noblest Victory, and such was this.

The only thing that deserves our next Enquiry, is, whether this Conquest over King *James* was Just? For 'tis no very difficult matter to drive a Man out of his House, when one has an Army at his heels, and no dismal prospect before him of violent Opposition. Yet this does not argue that the Man was rightful dispossest: and therefore I must now examine the Grounds and Reasons of the Quarrel; for upon these the Credit of the Conquest over the King, and the Interest of the present Settlement does greatly depend.

Tho that of *Grotius* be true, that in a doubtful Controversie between Princes, every private Person must not take upon him to determine which is in the Right; but is to follow *de Jure Bel-*
h, l. 1. c. 4.
 the Possession: as *Christ* commanded his Disciples to pay *§ 20.*

Cesar Tribute, because his Image and Supercription upon the Coin was an Argument that he was possesst of the Empire. Yet mens Consciences are much the better satisfied, and Obedience to a Possessor is the more kindly and natural as well as necessary, when the Cause of his taking Arms manifestly appear to have been Just.

Causes of War are of two sorts: when one Prince takes up Arms against another, either upon his own personal Account, or for the sake of others.

I. First then, if a Prince engageth upon his own Account, the War is allowed to be Just when it is Necessary, not only for the recovering of Rights, which are unjustly taken from him, but moreover for the maintaining and saving of his Rights before they are taken away. Princes are not obliged to stay till an intended Injury be fully and completely done: for no private Person is bound to delay his defence till the Blow be given. *He*
that is about to do another an Injury has in some measure *de Jâ, l. 3.*
 done

done it, says *Seneca*. And where the Case is weighty, the Injury manifest, and the Danger of suffering it is great and imminent, there the very beginning of the Mischief justifies a War, that is for the preventing of it, before it is accomplish'd. An intention to damnify, being sufficiently discover'd by any Over acts, warrants any Prince whose Interest is concern'd, to take the Sword into his hand to secure himself. Nay, *there is this difference* (says *Grotius*) *between private and publick Quarrels, that whereas one private Person may not fight against another, but merely in his own defence; such as are in publick Authority may take up Arms to defend and to revenge themselves too: whence it is lawful for them to prevent Oppression, tho the Danger be not present, but as yet at some distance off, by revenging (but not directly) an Injury begun, tho it be not consummated.*

2. Secondly, If a Prince undertakes a War for the sake of others, it is just in these three Cases: (not to mention any more) First, where common Humanity is concern'd; for Mankind were not made to be treated barbarously like brute Beasts: but every one has a natural Right to Justice and Mercy both at anothers hands; and when a Kingdom is infested with such as delight in Cruelty, and inhumanly violate the tenderest Laws of Nature, and Laws made for the Peace and Happiness of Societies, any neighbouring Prince has a natural Right to take up Arms against such common Enemies of Mankind. Communion of Nature gives Warrantee enough to rid the World of such Savage Creatures, wherever they are found. Secondly, where Friendship, or Affinity, or Alliance is concern'd. The old *Romans* frequently fought not only for their Confederates, but for their Friends. And 'twas honourably done of *Abraham* to take Arms in behalf of his Kinsman *Lot*. And if common Humanity obliges all men to aid and help one another, the Obligation is still the greater, the stricter and nearer that Relation is, wherein a Prince stands to an Oppressed Nation that needs his Assistance. Thirdly, where God's true Religion is concern'd. For tho it be not lawful to force Religion upon any Nation, or by the Terrors of War to compel the Inhabitants to profess it, yet Princes are bound to preserve it where it is profess'd,

profess'd, not only for the Honor of God, who hath call'd them to the Faith, and made them so many Nursing Fathers to his Church, but also for their own Interest, and for the Peace and welfare of civil Societies which is wonderfully promoted by Religion, especially where it is profess'd in Truth and Purity. Hence *Grotius* speaking of this matter, says, That *as in Ecclesiastical Affairs particular Bishops are said in some measure to be intrusted with the Care of the whole Catholick Church, so a general Care for Human Societies (as to Religion) is incumbent upon Kings, besides, or beyond that peculiar Care they ought to have of their own respective Dominions.* And therefore in another place putting the Question, *Whether that War be just which is undertaken for the sake of another King's Subjects, to deliver them from injuries done them by their own Governor?* He grants the War to be just. For tho the Supreme Magistrate has ever since the Institution of Civil Societies obtained a special kind of Power over those under his Government, to punish them when they really offend, or when 'tis only probable that they offend; yet (says he) it does not hence follow, that the Right which Human Societies have (to help one another) should be precluded, if manifest Wrongs be done to any Prince's Subjects; if a *Busris*, or a *Phalaris*, or a *Diomedes* (I add, or if a *Lewis the Fourteenth*) inflict those things upon his Subjects, which all good Men condemn. And as to that common Care, which all Christian Princes are intrusted with to preserve the true Religion, *Grotius* instanceth in *Constantine*, who fought against *Maxentius* and *Licinius* for Christianity sake, and in other Roman Emperours, some who actually took Arms, others who threatned to take Arms against the *Persians* for their violent proceedings against the Christian Religion. And after all this, he tells us, (what brings the matter home to our own Case) *That tho it be suppos'd that Resistance in Subjects is never lawful, yet it will not follow that others may not take up Arms for them;* which he there proves at a pretty large rate.

My Lord, If we now apply all this particularly to the *Prince of Orange's* Cause, I think no more will be needful to shew the Justice of his Quarrel, and the Honourableness of his Undertaking, however the Event had proved.

I. To

1. To say his Cause was not Just upon his own score, is to pretend against every one's Experience, that He was in no danger of being unjustly deprived of three Kingdoms, to which by the Law was Heir in Remainder. What less than this could have satisfied the Papists, who could not but know that this Protestant Successor would soon Out that Religion which they were resolved, if possible, to introduce by the most scandalous Practices, and tho our Liberties, Fortunes, and Blood should have been little enough to defray their Charges? I profess, my Lord, 'twill not be without trouble and regret, if in noting matter of fact I shall be forced to drop any thing which may, tho but accidentally, reflect upon an unhappy Prince. A Crown must be tenderly touched even when it is fallen; and the Head that wore it may still be too Sacred to beaspers'd with foul matter, or to be wounded with a Blow, tho it should come from the gentlest and cleanest hand. I would therefore be understood to reflect chiefly upon those Experienced Masters at Mischiefe, the Black Guard of the *Roman Church*; with whom 'tis meritorious Zeal to force all under their power upon desperate Designs, and a constant Custom when Danger appears, to skulk out of the way, leaving Princes and great Men to bewail the Ruin of their own Fortunes, and to pay at any rate for the Villanies of their Confessors whose Heads ought to have gone in Commutation.

These Men, whose only business is under pretence of Religion to run a Trafficking and a Cheating every where for the Great *Monopolist* of Rome, had driven such a hopeful Trade here, that the Kingdoms were made to the *Pope*. The Residence of an *Ambassador of Obedience* at Rome, and of a *Nuncio* in England, what was it, but a striking of the Bargain, and an interchangeable Ratification of some former Covenants; so that on a sudden nothing was wanting on the *Pope's* side but the taking actual *Livery and Seisin*? To this end a *Fierce Romanist*, and the *Pope's* *Confident*, was made *Feoffee in Trust* for Ireland, to have and to hold that Kingdom against the *Prince* and *Princess* of Orange, had the King died before some provision made for a Royal Successor to be Tenant at Will to his *Holiness*. Scotland indeed was not quite alienated

nated (there is a Sort of People that are not easily Sold) but the Management of that Kingdom was put into such sure hands, that the Priests hoped in a little time to take Possession of it for their Master, by Swearing men into an acknowledgment of the King's Absolute Power without Reserve. In *England* the Interest of the *Pope*, and the Interest of the *King* were so closely twisted, that such as would not serve Both were looked upon as Friends to Neither. For fear therefore the Bargain should not hold, Persons of the Greatest Honor, and of tryed Fidelity to the Crown, were soon Cashiered their Employments, and the most Paltry and Necessitous Papists raked up to be put in their Room. Their Quality was not so much to be considered as their Faith; because the *Pope's* Interest was to be Secured, whatever should become of the King's. With such Zealots were the Places of the greatest Trust every where filled; the Administration of Justice, and the Power of the Sword was put into their Hands: so that if Law or Force could have been made to prevail, their Highnesses were sure to be kept out of the Kingdom. Every body knows what a formidable Army was raised, and how it was Model'd: Popish Officers were at once a Terror and a Scandal to the Kingdom. And to stain even the mean Honor of a Common Soldier, the whole Army was debauched with a mixture of *Irish*, whose Intellectuals, as well as Religion, made them capable of knowing little but how to be Cut-Throats. Though it was not wise to put the price of a Kingdom into the hands of a mixt Army, which was prepared to Quarrel among Themselves, but would never all join in shaking hands with the *Pope*; Yet the Popish Emissaries thought this a Necessary and safe course for the time, till more Trusty Forces could be borrowed to secure them from an After-reckoning for the insolent Affronts done to our faithful Nobility and Gentry, who were for this sole reason Hated and thrown aside with contempt, because they would not submit their Necks to the Heavy Yoke of the *Pope's* Foreign and Usurped Power. After all this, that they might dispatch the Design with a very Quick hand, the *Penal-Laws* and the *Tests* were tugged at above all things. And though some foolish People were drilled

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into

into a Belief that the end was to Save them from Persecution, yet was it the readiest way they could take of bringing every Protestant into it. For the *Penal Laws* and *Tests* being the only things which kept the Parliament Houses fast shut against all Papists, upon the taking those strong Barricados away, there would have been no Remedy, but as many Papists as pleased must have entred in at the Doors; and then we may be sure a Present of our Purfes and Laws would have been soon sent to *Rome*, with a New *Act de Heretico comburendo*, and a *Bill of Exclusion* with a witness.

Things being in such a condition, it was utterly inconsistent with the Honor and Conscience of the Prince of *Orange* to sit still an idle Spectator, while His and his Royal Consorts Rights were now a going: and a juster thing could not be done than to stop the Progress. Every Private Man has in some Cases the liberty of an Action, even against his Father. If an Estate be Intailed, and the Father but Tenant for Life, to prevent Strip and Wast, and the Alienation of the Inheritance by wicked Counsellors, the Heir is allowed to Commence his Suit in time, to save his lawful hopes of the Reversion. Because there are no fixt Courts of Judicature between Princes, they are want to Appeal unto God to decide their Controversies by the Sword: nor ever was there a juster Appeal than what was made by the Prince; the Claim of Succession to Three Kingdoms (of which he was above half wronged) belonging legally to Him, first in the Right of his *Princess*, and after Her and her *Royal Sister*, in his Own.

I may not omit, though I am loth to mention, a notable Pretence, whereby the Papists endeavoured to void not only his actual Succession, but his very Right to it. A Popish Heir was wanting, and a better way to purchase and buy one could not be thought of, than by a Bribe at *Loretto*, and on *Trinity Sunday* following, the *Virgin Mary* was Fee'd with Thanksgivings for Blessing us with a Prince of *Wales*. I do not intend to meddle with the Merits of this thing, or to offer Arguments against the Child's Legitimacy, which at least the Hundreth part of the Kingdom never believed; it is sufficient to justify the Prince of *Orange's* Cause, that neither He himself, nor his *Royal Princess* believed

believed it; however the Papists gave it out here, as they did many other Falshoods, that Both their Highnesses at the *Hague* were satisfied. In this case the Prince was to act, not according to the Reports of some interested Persons, nor according to the Opinions of a few credulous People, but according to the Dictates of his own Practical Judgment, supposing him to have made the strictest Enquiry he could into so hidden and doubtful a business, and that he resolved to act in the Sincerity and Uprightness of his Heart; both which things Reason and Modesty, and common good Manners oblige us to think of him. It would be a mighty mistake to imagin, that we were to judge for the Prince (for under that capacity I now consider him) in an Affair wherein he was so nearly concerned, or that He was to have been concluded by Our Sentiments, had a more satisfactory proof of the Child's Legitimacy been made, than what hath been given us yet. Indeed, had but a few Unexceptionable Depositions been made before King and Parliament which would have given them fair and reasonable Satisfaction, we must have been bound to have acquiesced in their Definitive and Judicial Sentence; because by the Laws of *England* that is the Supreme Court, beyond which there is no Appeal; and consequently all *English* Subjects stand Bound and Concluded by that great Court of Judicature; though not as to our Inward Persuasion of the Truth of every particular they may affirm (because they are Men, subject to Errors and Misinformations as others are) yet as to our Outward peaceable Submission we are Bound up by Them, and are to rest in their Determinations, because they are the Judges with whom the Power of Legislature is lodged. So that had the Legitimacy of the Child been declared and Recognized by Act of Parliament, I see no Remedy but the whole Nation must have owned and received Him for the Prince of *Wales*, and next Heir to the Crown, though Thousands of us might have been at the same time dissatisfied about it in our private thoughts. But yet I must have leave to say, that all this would not have been sufficient to Bind up the Prince of *Orange*, nor because He was a Party concerned, but because He was no Subject of *England*, but an Inde-

pendent Prince in another Country ; for which reason he was not obliged to Submit to any Positive Laws of Ours, especially such Laws as would have been Exclusive of his Right. In this Case therefore he was to go by some Law which is not peculiar to any one Kingdom, but which is Common to all Princes, and that is the Law of Nations. And as the Law of Arms is a considerable part of this Law, so has every Prince power and liberty by it to pursue and Vindicate his Right, (especially where it is Undoubted and Acknowledged) until it be made sufficiently clear and evident to him that the Possession of his Right and present Title to it, is as yet Post-poned by some indubitable Circumstance, which by the Law of Nations ought to be allowed.

I think I need say no more of the Justice of that War which his present Majesty undertook on his Own and his Royal Conforts account ; and wherein, God be thanked, they succeeded so prosperously. Those other considerations also which denominate a War just, when undertaken for Others, do all of them serve to Justifie this, as any Man may soon see, that will but impartially consider the State and Posture which the Emissaries of the Church of Rome had brought our Affairs to, before ever the Prince set Sail. I look upon the Popish Priests and Jesuits as a sort of *Ecclesiastical Banditi* of several Societies: Spoil, and Rapine, and Violence, and other acts of Wickedness and Inhumanity, is the common business of their Life, and as it were, their *Calling*, if I may be permitted to abuse so good a Word. The ways they use are different indeed from those used by other Rogues, but still tending to the same End. Instead of Swords, or Clubs, or Pistols, these go about with Indulgences, Dispensations, Masses, Bulls, Commutations of Penances, and the like, which is only a new sort of *Roman Language* they are wont to use instead of *Give us your Money, Deliver your Purse, You are to be our Prisoner and Slave*. Of these *Banditi* the Pope is the Sovereign ; and He is more Honorable than the Rest, partly because the richest of the Spoil, which is gotten by those means, is carried to his House, in consideration of the Craft which some of his Predecessors invented ; and partly for his Preeminence and Authority over all the Rest, whereby

whereby he does at his pleasure send them Roving in the World up and down, to Thieve and Shark, and do any mischief for Him; as they say *Mall Cut-Purse* was wont to send her Apprentices about *London Streets*. With incredible numbers of these *Banditti* was our poor Nation pestered and plagued a while ago, especially upon the *Nuncio's* coming hither from *Italy*, where this cheating and abominable Trade began. It could not but astonish us all to see what a miserable pass these Fellows (especially the Jesuitical party) had brought us to in a very short time. They had persuaded the King, that *because he was Old, he was to take large Steps*, though he should run the hazard of stepping out of the Kingdom. Notwithstanding all imaginable Arts of Dissimulation and Hypocrisie were used, to lay our Fears asleep; yet they could not forbear many things which plainly shewed, we were to expect nothing from them in the end, but to have the most miserable choice given us, either Apostasie or Ruin. The Laws wherein our Liberties, Lives, Fortunes, and the Securities of our Religion are wrapt up, were presently over-powered; and to add to the Indignity, in *Westminster-Hall*, where they were wont to Command, there they were made to Suffer, being Strangled (I should have said Massacred) by those Hands which should have Preserved them. This Victory gained, an open Triumph soon followed; and Arbitrary Power went about all parts of the Kingdom, not only in Pomp, but with Authority: nothing stood in its way, but it suffered the same fate with the noblest Oaks when a Thunder-bolt strikes them, to be torn in pieces. Our conscientious Nobility were beaten down in Heaps, with the honest Gentry by their sides: and that the Tempest might not pass over the Church without dashing down some of the strongest Pillars, that Great Prelate the Bishop of *London* was the First that was Thunder-struck. A Terrible Blow; and that which awakened all People into an Expectation that the whole Fabrick which then Shook, in a little time would be quite Destroyed, because it was the great Bulwark against Popery. Charters were made precarious: the *Old* ones thrown into *Limbo*, never to be recovered, but by the same means they pretend to Recover
Souls

Souls out of Purgatory, I mean with a great Sum of Money ; in which intrigue *Petre* and *Brent* equally did the Priests Office. New Charters were not to be purchased but by *Bargain and Sale* ; and the way of Trucking was, to Buy a Parliament that should Sell the Nation, without reserving any Right of Redemption, which was formerly asserted when the Kingdom was but in Mortgage to the Pope. Statutes in the Universities were made to hold their peace, when a Priest spoke for a Headship or Degree ; at the same time when Liberty of Conscience was pretended to be given all, Honest Men were not allowed to keep their Own ; but *Petre* and *Ellis* were to be obeyed with a *Non Obstante* to the most Solemn and Repeated Oaths ; otherwise Property was to be Sacrificed as the Price for Conscience ; in which kind of Martyrdom some *Cambridge-men* took the First turn, and the chief Scene of the Tragedy there, was *Magdalen College*. Their conscientious Brethren at *Oxford* took the Next : and nothing would satisfie there, but a great Slaughter, and that at *Magdalen College* too, Poor *St. Mary Magdalen* ! Out of whom the Blessed *Jesus* cast Seven Divels : and the *Jesuits* now, I know not how many Confessors ! Yet I cannot say their Casting out was so Hurtful, as their Bringing in was Scandalous : I mean, not into that College only, but into the whole Church ; that her Glory might go first to make way for her Funeral. Hardly did any Preferment become void, but they sought for a Blockhead or a Knave to fill it ; though, God be thanked, they found such a Scarcity, that to bring a noisome Stink into the Church they were forced to rake in Dunghils. In *Jeroboam's* days they made Priests of the Lowest of the People : nor was the thing Unsuitable, the Gods themselves whom they serv'd being as Scandalous as the Ministration. Our reproach was greater, when the most Contemptible Priests were placed in Episcopal Chairs, and the Ephod was put upon Creatures, to present Offerings to the God of Purity in, who were themselves somewhat too Unclean to be Sacrificed. But the time was not long enough to let this Calamity spread far. Bishops we had, who were too Faithful to be Corrupted ; too Courageous to be Frightened out of their Duty, though some of them

them were under the greatest Temptations the Court could lay before them. Their conscientious Obstinacy was their only Crime, though it was in a Case wherein they shewed as much Humility too, as a most Humble Petition, and Bended Knees, could express. But the Torrent was so violent that it carried away every thing before it; and because the Dispensing Power was not to be crossed, those Good Bishops were embarked to be carryed in a bunch to a Prison, where the Place was enough to have put them in mind of a Scaffold. Those of the Parish Clergy, who stood every Week in New Dangers, resolving by their utmost Labours in Pulpit and Prefs, to save, at least, the Honor of our Religion, and the Reputation of our Laws, when the Strength of Both was broken, comforted themselves with this, that they were All to be Ruined together, and in a Body with their Governors, for not Reading a Declaration, which first depended upon Arbitrary Power as its Foundation, and then was designed for a Butress to Support it. It would be endless to mention every particular; to be short therefore, our Affairs in Church and State were brought to that Extreme pitch, that the Enemies of our Country could not easily have carried them any further, but by carrying all of us into perfect Captivity, and that at Home. Nothing less than this could have contented the Jesuits; whose Correspondencies and joint Counsels here, and in other parts, have still aimed at the entire Ruin of Protestants, by any the most Tyrannical courses they can possibly put Princes upon. *France* is a plain Instance, which was to have been an Example for *England*; so that had not the Prince of *Orange* come when he did, God knows who of us might have been left by this time, to have lamented the Calamity, under the weight whereof this Nation must otherwise have sunk.

So that, first, that tender Compassion which our common Nature directs all Mankind to express to one another in Misery, is enough to Justifie the Prince of *Orange*'s Cause for Us. For if *Hercules* and *Theseus* and some more Heroes of old were so applauded for routing Barbarous men out of the World, how could He think of this poor oppressed Nation, and not think himself obliged

obliged in Honor, and in the bonds of Humanity, to endeavour to clear it from as Savage and Ferine Wretches as every any Christian Country saw ; which fled hither from several parts of the World in such multitudes and swarms, that they resembled those *Locusts* which an East-wind once brought into *Egypt*, that covered the face of the whole Earth, and did eat every Herb of the Land, and all the Fruit of the Trees. Not that we are to consider Him at that time barely as a Neighbour or a common Friend ; for secondly, He was related to us in a nearer rye, as Bone of our Bone, and Flesh of our Flesh ; as a Branch of our Royal Family, and as one that had a Reversionary Right to the Nation. Upon which account the Wrongs which We suffered he had reason to look upon as his Own ; as we had reason to look upon those Injuries as Ours, which were so visibly intended, and so eagerly prosecuted against Himself and his Princess. Besides this, thirdly the Truth and Purity of Christ's Religion was then at Stake ; and we cannot but remember how our Hearts trembled under many just fears of our Own and our Childrens going to Stake for it ; especially if we consider our own utter incapacity of Saving our selves from the cruel mercies of the Jesuits, from which I pray God in his due time to deliver the whole World. The Doctrine of our Church (which by the way, my Lord, I cannot but wonder should be permitted now to be Exposed and Ridiculed, every Government being deeply concerned even for its own Interest to support the Doctrine of *Non-Resistance*, as our Church understands it ; this Doctrine, I say) hath been so fully proved to us from Scripture and Antiquity to be agreable to the Best and most Primitive Christianity, that we knew not how we our selves could with safe Consciences have attempted our Deliverance from Oppression by force of Arms against the Person or just Authority of the King. Yet this did not hinder, but One who was no Subject but an independent Prince might do it for us : nay, it made the Prince his Help the more Necessary still, because it was the only Remedy ; upon the Application and Success whereof depended the whole Interest of the Protestant Religion, perhaps in other Countries, but I am sure in This ; where the Prince might

well

well think himself strictly bound in Conscience as well as Policy to preserve it. And to speak my thoughts freely; from the time I first heard of the Prince's Intentions, I have ever look'd upon it as an act of God's more especial Providence and Goodness to us, that when we were, to all human appearance, in a desperate Condition, not only by means of that unchristian Usage we receiv'd at the hands of the ungrateful and perfidious Papists, but also by means of those Christian Principles which like Fetters and Manacles bound up our hands from striking a stroke, he was pleas'd to raise up a Potent Prince abroad to maintain our Cause for us, and to do the work with more ease than we could have done it (if we might) our selves, and without betraying the Honor of our Church, which we must have done by attempting it. It puts me in mind of the words of *David*, which our Church may well apply to herself; *This I had because I kept thy precepts.*

I fore-see an Objection against this, which I shall the rather take notice of, because it may be (not to say it has been) made use of to discredit the Cause I am now justifying, *viz.* that the Business was begun upon the Invitation, and carry'd on by the Defection of the King's own Subjects.

The Invitation is not to be wonder'd at, nor do I yet see any sinfulness in it. When People groan under too heavy a Yoke, tho with a good Conscience they may not be able to shake it off themselves, yet what hinders, but they may with a good Conscience be willing that Another should take it from their Necks? Religion does limit the great Law of Self-preservation, lest it should carry us too far on every Emergency, but it does not quite destroy it; which yet it must needs do, if it be not lawful so much as to desire one's own Safety. Cases of this nature are never more truly resolv'd than when they come to be try'd and made Personal. And I believe there is not a Man in the World, who if he were whipt at a Post, would think it a Sin for him to desire some charitable hand to let him loose, before he was whipt to death.

The Defection indeed is a thing of a higher nature. But, first, I question whether it was Resistance properly so called, and as it ought to be understood. Not to trifle about the word; the thing forbidden is, violent Opposition in a Subject against the Supreme Magistrate's Person, or the execution of his Authority by such as

are lawfully commissioned by him. Of this more by and by : in the mean time, as to the first Defection of some of the King's Army, or their declining from actually engaging on his side, it does not appear to have been unlawful as the Case stood. It was not only Protestant against Protestant, but moreover Protestant against Protestant for Popery and Jesuitism. Nay, oppressed Protestants were to fight against such as came to deliver them: and how any Protestant Soldier could with a good Conscience have engag'd in such a Cause, I do not see. This would have been literally *fighting against the Truth*: nor can the Obedience due to any King oblige men so far, as to warrant their going about directly to extirpate Christ's true Religion, which is one of the highest acts of Wickedness. It is notorious that those Christian Soldiers under *Julian* the Apostate, and the *Thebean Legion* under *Maximian*, which is so renowned to this day for their wonderful Subjection, tho they were ready to be cut in pieces themselves, yet would not imploy their Arms to destroy their Fellow-Christians, or to hurt the Interest of the Christian Religion. As to the going of divers Gentlemen off to the *Prince of Orange*, God alone knows mens Hearts, but when I consider the thing, I cannot think it was to hurt the King's Authority or Person: for afterwards when they had Him in their power, He was permitted to go whither He pleased; nay, that he might be kept even from such Rudeness as He found at *Feversham*, He was attended by some of the Prince's own Guards, who used Him with such Respect, that He order'd them a Reward. The reason therefore of their going off seems to have been; 1. For their own Protection: for where could they think to be safe, but under the Prince's Banner? 2. That by weakning the King's Force in a great measure, they might without effusion of Blood bring Him to such reasonable Terms, that both He and the Kingdom might be safe. 3. That the King's Authority might be thenceforth administred in a Legal way. The Authority it self no man ever excepted against: it was the illegal Administration of it in Civil and Military matters by men who by Law were utterly incapacitated; this was the thing which alarm'd all People, being a plain Invasion of the Realm. When the Law declar'd it unlawful to take Arms against those that are commissioned by the King, it must suppose and intend those who are legally commissioned; otherwise it would warrant and set up a
Power

Power against Law, and make void the Law, which we cannot suppose was the Intention of Law or Law-makers in any Case. And so, I well remember, this matter was explained a good while ago in the House of Lords, when there were such great Heats about a certain Test, which tho it came to nothing, yet it gave a fair occasion to their Lordships to declare, that by such as are commissioned, is meant such as are lawfully commissioned. Now had all Commissions granted by *K. James* been according to Law, the Nation, for ought I know, would have been quiet, tho Popery had reign'd at *White-Hall*. For if any Officers had abus'd their Commissions, the Law was open to have given remedy; but when the King's original act was faulty, so that the Commissions were void of themselves, having no foundation or power by Law, it could not but be an illegal Administration of the King's Authority, and if the rectifying of this was a Cause of the Defection, I do not discern yet how it could be called Resistance in a proper and legal Sense.

But, secondly, suppose it were so, what is this to the Prince's Cause? Our great Enquiry now is about the Justice of that: for if His Cause was Just, the Victory over the King must be allowed by the Law of Nations to have been Just too, whatever Accidents might happen and fall in collaterally as he was prosecuting his Cause. Those Accidents could not affect Him, so as to taint the nature of his original Quarrel: and He was a true Conqueror, tho some who join'd him are suppos'd to have been Rebels; which yet I see no just reason for us to suppose they were. Nay, tho we should suppose the very worst of the Case, yet are we to consider a passage in the Learned *Grotius*, which serves at least to command every one's favourable opinion in this Case, which, I think, is the hardest and extremest Case that is in the whole Subject of Obedience to Government: and which, one would think, no Free Prince wou'd ever be the means of bringing into Question, *If (says He) a King endeavours even to deliver up and subject the Kingdom to another, I do not doubt, but in this he may be Resisted.* I leave it to every understanding Man's thoughts whether the going about to establish Popery in *England*, especially according to the full intent, and upon the high Principles of the *Jesuits* (which was the

Si Rex reip[s]a eti in tradere Regnum, aut (alii) subicere molietur, quin ei resisti in hoc possit, non dubito. Grot. de jure Belli, lib. 1. c. 4. § 10.

true Cause) be not a down right endeavour to deliver up and subject the whole Kingdom to the power of the *Pope*?

My Lord, I have been the more prolix upon the consideration of the Prince's Cause, in regard it is of such great concernment, as well to satisfy every man's Conscience, as to vindicate our Innocence, in taking a New Oath of Allegiance, tho it should be supposed to contain things repugnant to the Intention of the old one, Since there has been a Conquest, tho not over the Kingdom, yet over the King himself, and that upon a very just Cause, his Right to the Throne must needs be actually lost; and consequently the bond of Allegiance to Him is actually dissolved, which did suppose Him possess'd and vested in that Right. Whence it follows, that the former Oath being void by a cessation of the matter, it was lawful for Us to swear Allegiance to another, (tho *K. James* never consented to it) because Allegiance in this case goes along with the Possession. This is evident: for every just Conqueror gains to himself a Right by his Conquest, and this Right must needs reach as far as the Conquest does, and no farther. So that a King being conquered, the Conqueror succeeds him in all those Rights which before did belong to him; of which the Right he had to his Subjects Allegiance is a very considerable part: and Allegiance being now his due, there is in truth some sort of Obligation upon the Subjects, but I do not know what Sin it is in them, to swear they will pay it.

By this time, I hope a sufficient Answer is given to the First grand Enquiry, *How we could take the New Oath with good Conscience towards King James*? The Second now follows, *How we could pass our Allegiance to King William and Queen Mary with good Conscience towards the Succession*?

Of this matter I shall endeavour not to trouble your Lordship with a tedious Account. *King James* being dead, as to his Rights, by the Law of Arms, the present King and Queen have a complicated Claim, by Conquest and Succession; tho when the Crown was at their feet, they were not eager to snatch it up without the consent of the Nation. Nor do We conceive how any Branch of the rightful and undoubted Succession hath been hitherto injur'd thereby, her Royal Highness the *Princess Ann* being no farther off than she was before. For if one in ten thousand shall here
object

object the supposed right of the pretended *Prince of Wales*, it will be sufficient for me to say only this, that where the right of Succession is only *Doubtful*, it certainly lies in the power of the King and Parliament to determine it. This is no depriving of the right Heir, but a settling of the Right on that side where it appears. In this present Case the Illegitimacy of this Child is taken for granted by the generality of the Nation, and that he was provided to this great end that the Papists might never want a pretence for their setting up a Popish Successor, against which we are now agreed. Since then a Power is lodged in the King and Parliament to declare and fix the right of Succession, where that Right is merely uncertain and questionable, it is most reasonable for them to exercise that Power in a Case wherein the far greatest part of the Kingdom have already given their their Opinion in the Negative, and the Dangers before us are a thousand times more apparent than the Heir. To be short, were there no other Scruples from the Oath but concerning Allegiance to this Child, I believe the Nation would no more trouble themselves about his Legitimacy, than they in *France* do about the Legitimacy of a King's Daughter, since the *Salique Law* has fore-clos'd all Females, and made them incapable of Succeeding to the Crown.

Seeing then no injury is done by the New Oath to any rightful Successor, the last thing to be consider'd, is, whether it be not consistent with a good Conscience to swear Allegiance to *King William* and *Queen Mary*, being now in Possession of the *English Throne*?

I have not met with any knowing and impartial Man, but would allow me that Allegiance is due to a King, that is *de facto* Regnant, whether he be *de Jure* or no. That incomparable Casuist, *Bishop Sanderson*, has put a Case far beyond that, which is now under consideration, of a plain Usurper, who by force of Arms has driven away the lawful Prince, taking the Government upon Himself, and acting as King when he is really but an Intruder, so that his Right is not so much as doubtful, but the injury he does to the lawful Prince is manifest: after all this, the question is, what a good Subject may do, who has taken an Oath of Allegiance to the rightful King, or if he has not taken such an Oath, yet is as much obliged to his Prince, as if he had sworn it? As

to this, He frankly gives his Opinion, *That it is not only lawful, but many times necessary for a good Subject to obey the*
De obligat. Conscient. Laws made by Him who has the Supreme Power in Fact,
Prælect. 5. tho not of Right. For tho he tells us that the Laws

themselves do not bind a Man's Conscience in such a Case, by any inward Power of their own, yet other Extrinsecal Reasons there are, which oblige a good Subject to Obedience; as, first, the Law of Self-preservation, whereby he is bound to have a due regard of his own Life and Fortunes. Secondly, the Law of Gratitude, whereby he is bound to obey Him that gives him Protection. Thirdly, the Law of Society, whereby he is bound to consult the Common Peace and Safety of the Kingdom. I confess, the Bishop adds a Caution, that such Obedience must be paid, as is not injurious to another's Right; and therefore that Allegiance to the lawful Prince must not be violated, nor any thing done to his wrong or prejudice. The like passage there is in *Grotius*: *That a Contract with ones King must be kept, tho he be driven by his Subjects out of his Kingdom; because*

de jure Bel-
li, l. 2. c. 16.
 § 17.

He has still the Right, tho He has lost the Possession. But yet any one may see that this is wide of our Case; for here is a King driven out of the Dominions by One who was none of his Subjects, but an Independent Prince; One who had a double Right of Succession, his Princeesses and his Own; One, who Landed in the Kingdom to assert and secure that Right which was in open Danger of being taken from them Both; One, who in the end prov'd a Conqueror, and as God would have it, without shedding of Blood: and consequently One, who has as good a Right to the present Possession of the Throne as Conquest ever gave a Prince, the Conquer'd King having actually lost His Right by the Law of Nations. So that here a great deal more is to be consider'd than bare Possession; here the Bishop's Reasons are stronger, and our Obligations to Obedience are greater by far, than in the Case of a mere unlawful Usurpation. 1. We are to do it for our Own sakes, that we may not incur a Prince's just Displeasure, under whose Power we now are, by any unnecessary Provocations. 2. For Equity and Righteousness sake, because he has not only been beforehand with us in the greatest kindness to the Nation, as well as Justice to Himself; but also because He has promis'd.

promis'd and sworn to us to Protect us for the future in the enjoyment of those Rights and Liberties, which he ventur'd his own Blood to redeem for Us. 3. For Policy sake, that by our Obedience He may be the better inabled to defend our Country, to administer Justice, to maintain Trade, and to make his Cares successful in all particulars wherein the Peace and Welfare of the Kingdom is concern'd. These are as equal Laws as any that are written in our Nature: and tho each of them brings a strict Tie upon our Consciences, above any Acts of State, yet I shall mention one Reason more, *viz.* Fourthly, for Religion sake, the Truth and Purity whereof the Papists resolved, and by their basest methods endeavour'd to destroy, and which God has been pleas'd of his great Mercy to preserve here through this Prince's means; and that not only under the more loose notion of the Protestant Religion in general, but also under the stricter notion of the Protestant Religion profess'd by the Church of *England* in particular; their Majesties being bound by a new Clause in their Coronation Oath *to maintain the Reformed Religion Establish'd by Law, and to preserve our Bishops and the several Churches committed to their Care in all those Rights and Privileges, which do or shall belong unto Them, or to any of Them.*

'Twere easie to carry this matter to be examin'd by the Scriptures both of the Old and New Testament. Every one knows, that among the *Jews*, several gat the Crown wrongfully, and yet the People obey'd them without any blame. The Learned Author of *the Letter to a Bishop* has criticaliy observ'd how of the four Sons of *Josiah*, the youngest, *Shallum* (or *Jehoahaz*) was set up first; then the second, *Eliakim*, (or *Jehoiakim*,) then *Eliakim's* Son *Jehoiachin*; (otherwise called *Jechoniah*, and *Coniah*;) and last of all *Zedekiah* Uncle to *Jehoiachin*, and third Son to *Josiah*. And that which I particularly observe out of this Story, is, that the Peoples Allegiance still went along with the Power and Pleasure of the Conqueror. *Pharaoh* *Nechob* King of *Egypt* having taken *Jehoahaz*, made *Eliakim* King under him; and the People obey'd Him during his Reign of eleven Years. *Nebuchadnezzar* King of *Babylon*, being too hard for Him and for *Nechob* too, makes Him first his Tributary, and at last his Captive, appointing his Son *Jehoiachin* King, his Father *Eliakim* being yet alive; nor was it long before *Nebuchadnezzar* carried away Him too; and in his room set up his Uncle *Zedekiah*;

Zedekiah; who reigned in *Jerusalem*, tho *Jehoiachin*, the true King and Heir was yet living. Here was a Brother set up in the life-time of his Brother; and then a Son in the life-time of his Father; and then an Uncle in the life time of his Nephew; and throughout all this time the People still obey'd the Possessor, tho the Right he had was derived from a Conqueror, whose Conquest was Unjust too.

One thing more is to be added out of the same Author; that as in all probability the People swore Allegiance to the King in Possession, according to what the Preacher said, *Eccles. 8. 2. I counsel thee keep the King's Commandment, and that in regard of the Oath of God*; so the deputed King himself swore Allegiance to the Conqueror. 'Tis plain from *2 Chron. 36. 13.* that *Nebuchadnezzar* took an Oath of *Zedekiah*, tho his rightful King was alive: and 'tis as plain from *Ezekiel 17th*, that *Zedekiah* sinned not by taking that Oath; for God himself called it *Mine Oath*, and *My Covenant*, and threatened *Zedekiah* with Vengeance for breaking it; *As I live, saith the Lord God, surely in the place where the King dwelleth, that made him (Zedekiah) King, whose Oath he despised, and whose Covenant he brake, even with him in the midst of Babylon he shall die. Seeing he despised the Oath, by breaking the Covenant (when loe, he had given his hand) and hath done all these things, he shall not escape. Therefore thus saith the Lord God, as I live, surely Mine Oath, that he hath despised, and my Covenant that he hath broken, even it will I recompence upon his own head, Ezek. 17. 16. 18, 19.*

From these Observations methinks nothing can be clearer, than that Allegiance goes along with Possession, and that a Right to Allegiance is created by Conquest. Neither did the King of *Egypt*, nor the King of *Babylon* pretend any other Right; nor did the Kings they set up at *Jerusalem* swear Allegiance to them upon any other score; nor did the *Jews* swear Allegiance to their Kings, but as it was due ultimately to the Conqueror himself, by and under the Sons of *Josiah*. They swore as immediate Subjects to *Zedekiah*: He swore as an immediate Subject to *Nebuchadnezzar*; and as well his Right as their Oath was grounded upon *Nebuchadnezzar's* Original Conquest over King *Eliahim*: and whoever shall attentively consider this whole matter, may find

find enough in it, though he goes no farther, to justify Us, who have sworn Allegiance to King *William*, as his Right, and due by virtue of his Conquest over King *James*.

I told your Lordship in the beginning, that Religion does not bind us strictly to examine Princes Titles in order to our Obedience: and a plain Example of this we have in the Author of our Religion, our Lord Jesus; in whose days, *Caius Octavius*, or *Augustus Cesar* was Emperor: one, who followed the steps of *Julius* his Predecessor and Kinsman, in Usurping that Power which had hitherto been lodged in the Senate and People of *Rome*, by the immemorial prescription of many Ages. But it was in vain for them to dispute their Right with a Commander that had such a powerful Army at his Heels, especially upon the total dissolution of the *Triumvirate*. They had no way left them but to Submit; as they were forced afterwards to Submit to *Tiberius* also, though they seemed to complement him with the Government and though he had no Lawful Title to it, yet being possessor of it, our Saviour gave the Command of *Rendring to Cesar, the things which are Cesar's*; plainly implying, that the paying of Tribute, and so other acts of Obedience, were *Cesar's* Right, however he came by it. The Empire beginning now to break by the frequent Defection of Provinces, the Senate found it necessary to maintain great Armies in Pay. But they themselves sunk under the weight of their own Force, which of Servants became their Masters, and soon claimed a power of setting up Emperors as they pleased. It was much by their assistance that *Claudius* too gat into the Government; in whose time probably *St. Peter* wrote his first Epistle, whereof this is a part, *Submit your selves to every Ordinance of man for the Lord's sake, whether it be to the King as Supreme, or unto Governors, &c.* To him succeeded *Nero*, another Invader and Usurper of the Supreme Power, and yet it was in reference to Him that *St. Paul* gave that solemn Charge, *Rom. xiii. Let every Soul be subject to the higher Powers; for there is no Power but of God; and the Powers that be, are ordained of God.* The Apostle speaks of the Powers that Be, of the Supreme Magistrates for the time being, and as long as they continue vested with Authority, not troubling himself with any Politick Enquiries, How, or by what means they gat the Power into their Hands. From

all which it appears, that though Allegiance be a Right which is inseparably annexed unto the Throne, yet it is a thing which passeth from one Person to another, from Prince to Prince, and to every one that sitteth in it, though his Title and Claim to it may be very Questionable.

I know it may be said, that all this does not reach our present Case, because the *Roman* Government which these Emperors Usurped was not Hereditary by Law, as Ours is, nor were the Christians of the Empire under such an Oath as we are, in reference to the Succession : upon which account they could the better pass their Allegiance from one to another, without hurting any of their Emperors Offspring, and without violating any Oath of their own. Now as to this Objection I have already noted, that by our Swearing Allegiance as we have done, no injury is offered to the Lawful Heirs of King *James*, the next Lawful Successor that we know of, being now vested with the Regal Authority, upon the dropping of her Father's Civil Right to the Throne, which he hath as actually lost by the Law of Nations, as if He himself were actually Dead (unless some evil Angel should sound a Resurrection with a Trumpet, which I hope no Protestant is willing to hear, for the terrible Judgment sake which must necessarily follow.) And though her Royal Husband King *William* lays claim to our Allegiance, as well as her Majesty her self, yet we cannot conceive how we violate our former Oath by paying this Allegiance, because that (as every Promissory Oath) is to be understood with those tacit general Suppositions I mentioned before; *If I can ; If I can lawfully ;* and, *unless some notable and unforeseen Change shall happen.* Such a Change having now happened as hath inferred a Claim to our Allegiance by means of Conquest over the King, the Case is much altered from what it was ; for the binding power of the Oath ceased upon it, by a cessation of the Matter ; so that we were as free to pass our Allegiance to a Conqueror, as the *Jews* and *Primitive Christians* were in the Cases before mentioned.

And Now, my Lord, it is high time for me to crave your Lordships pardon for this long, though you may not think it an unnecessary avocation from your great Affairs. Common good Manners would require me to write here another *Apology* for *This*, did not the importance of the Subject carry with it its own Excuse. What Success

cess these Papers may find in the World I cannot tell ; because it is so very hard upon any Subject whatsoever to answer every Scruple which may be started by those, whose misfortune it is to labour under strong Prejudices. This I dare say in my own behalf, that I have considered the Case in hand with such seriousness and sincerity as becomes its Weight ; nor do I despair of being justified as to that by those who are blest but with a competent Portion of your Lordships great Judgment and Candor. I cannot promise my self so much from Men, whose Rashness and Inconsideration hinders them from weighing things after a fair manner ; their Prepossessions still bearing down one of the Scales, whatever the Arguments be which lye in the other. Of such I must only beg thus much, if I may not hope to obtain more, that they would not be so fond of their Opinions as to forget their Charity ; nor Condemn those at all adventures, who upon the narrowest search into a Case so Nice and New, are better satisfied than some others are yet, not only as to the Lawfulness of what they have done, but, in regard of the Publick Good, as to the Expediency and Necessity of it also. It is not the first time that Men of Knowledge and Integrity have had the ill luck to be divided in their Sentiments. It is stranger by far that Christian Charity should not constrain every one to believe, that on each hand Men take an equal care of their own Consciences ; a thing which is infinitely too Valuable to be made a Price for any, though the greatest considerations in the World. I heartily wish that Golden Rule might take place here, which though it was given on another occasion, is nevertheless a most reasonable measure of our Charity at all times, *Let not him that eateth, despise him that eateth not ; and let not him which eateth not, judge him that eateth.* The Rule which there concerns the eating or not eating some certain sorts of Meats, is here very applicable to the present Difference about taking or not taking the New Oath : wherein, if Reason cannot be our Umpire, I cannot forbear to say that it is every one's Duty, and in ever one's Power to let Charity be our Guide. For mine own particular, as Charity obliges me to believe that such as have not taken the Oath forbear upon Reasons which to them appear Fair : so it is Just for me to hope, the same Charity will oblige them to allow Us to be governed

governed by the fair appearance of those Reasons on the other side; which, because they are not all of the same nature, I have digested under different Heads. Some of us may be persuaded that there is no Repugnancy between this Oath of Allegiance and the Former; and some, perhaps, go higher in their persuasion, that though a Repugnancy should be granted, yet the taking of the Latter cannot bring the least Guilt upon the Conscience, the Obligation of the other Oath having become Null before the framing of this. Either of these Reasons are, I conceive, enough to justify such as have acted according to the best of their Judgments. Which are your Lordships Reasons, I will not presume to enquire; nor do I think my self obliged to declare positively to the World which are mine. One. I only say, that I will endeavour to Dye with a good Conscience; and as long as I Live, shall beg the Honour to own my self

Your Lordships

Most faithful Servant, &c.

